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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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FRANK BRUNKHORST CO., LLC,

BROOKLYN OFFICE

Plaintiff,

-against-

ORDER ADOPTING REPORT
AND RECOMMENDATION
17-CV-2324 (AMD) (ST)

WILLIAM CASTELLINI,

Defendant.
-----X

Ann M. Donnelly, United States District Judge:

The plaintiff, Frank Brunkhorst Co., LLC, filed a complaint against the defendant, William Castellini, on April 18, 2017, and later amended it on May 5, 2017. (ECF Nos. 1, 7.) The defendant did not respond to the complaints, and the plaintiff moved for default judgment on August 22, 2017. (ECF No. 13.) In a Report and Recommendation ("R&R"), Magistrate Judge Steven L. Tiscione recommended that I deny the plaintiff's motion without prejudice to refile, a recommendation that I adopted on March 19, 2018. (ECF No. 21.) On May 7, 2018, the plaintiff filed a second motion for default judgment (ECF No. 24), which I referred to Judge Tiscione (Minute Entry May 8, 2018).

On October 22, 2018, Judge Tiscione issued a thorough and well-reasoned R&R recommending that I grant the plaintiff's default judgment motion and find the defendant liable for breach of the personal guarantee, enter a judgment in the amount of \$142,150.92, and deny the plaintiff's requests for interest and costs without prejudice to renew. (ECF No. 25.) No objections have been filed to the R&R, and the time for doing so has passed. For the reasons set forth below, I adopt Judge Tiscione's comprehensive R&R in its entirety.

DISCUSSION

The Court assumes the parties' familiarity with the factual background of this case and adopts the recitation of facts in Judge Tiscione's R&Rs. (ECF Nos. 18, 25.)

In reviewing a Report and Recommendation, a district court "may accept, reject, or modify, in whole or in part, the findings or recommendations made by the magistrate judge." 28 U.S.C. § 636(b)(1). If no party has objected to the magistrate judge's recommendation, "a district court need only satisfy itself that there is no clear error on the face of the record." *Urena v. New York*, 160 F. Supp. 2d 606, 609-10 (S.D.N.Y. 2001) (quoting *Nelson v. Smith*, 618 F. Supp. 1186, 1189 (S.D.N.Y. 1985)).

I have carefully reviewed Judge Tiscione's thoughtful and cogent R&R, and find no error. Accordingly, I adopt it in its entirety.

CONCLUSION

The plaintiff's motion for default judgment [24] is granted insofar as I find the defendant liable for breach of the personal guarantee, and judgment shall be entered in the amount of \$142,150.92. The plaintiff's requests for prejudgment interest and costs are denied, without prejudice to renew. Within thirty days of this Order, the plaintiff may refile a motion for prejudgment interests and costs, with adequate support and arguments.

SO ORDERED.

s/Ann M. Donnelly

Ann M. Donnelly
United States District Judge

Dated: Brooklyn, New York
November 8, 2018